CITY HALL COUNCIL CHAMBERS
SANTA MARIA, CALIFORNIA
REGULAR MEETING

APRIL 6, 2010

INVOCATION:
Pastor Charlie Archibald of Unity Chapel of Light Church gave the invocation.

PLEDGE OF ALLEGIANCE TO THE FLAG:
Councilmember Cordero led the Pledge of Allegiance.

CALL TO ORDER:
Mayor Lavagnino called the Regular Meeting of the City Council to order at 6:30 p.m.

ROLL CALL:
MEMBERS PRESENT
Councilmembers Cordero, Orach, Patino, Zacarías, and Mayor Lavagnino.

STAFF MEMBERS PRESENT
City Manager Ness, City Attorney Trujillo, Assistant City Manager Haydon, Director of Community Development Appel, Acting Fire Chief Jones, Director of Utilities Sweet, Director of Public Works/City Engineer Whitehead, Director of Administrative Services Visé, Director of Recreation and Parks Posada, Police Chief Macagni, Transit Manager O'Dell, and Chief Deputy City Clerk Perez.

ANNOUNCEMENTS
Mayor Lavagnino announced that "Cruzin' For Life" organizers had presented the City of Santa Maria with a beautiful plaque in appreciation for the City's support of their annual event.

PROCLAMATION – KITE MONTH
Mayor Lavagnino read a proclamation declaring the month of April 2010 as "Kite Month" in the City of Santa Maria and encouraging everyone to participate in the joy and excitement of kite flying at the 1st Annual Free Family Kite Festival at Rotary Centennial Park on April 18, 2010, and urging everyone to "Go Fly A Kite." The proclamation was accepted by Kelly O'Neill from the Santa Maria Valley Discovery Museum.

PROCLAMATION – NATIONAL ALCOHOL AWARENESS MONTH
Councilmember Cordero read a proclamation declaring the month of April 2010 as "National Alcohol Awareness Month" in the City of Santa Maria and calling upon all residents, parents, youth, government agencies, public and private institutions, businesses and workplaces, hospitals, and schools to support efforts by Fighting Back Santa Maria Valley Coalition for the prevention of drug and alcohol abuse that will reduce and prevent underage drinking in the community. The proclamation was accepted by Ashlynd Domingues, Demi Urias and Rudy Ramos from the Youth Involvement Group of Fighting Back Santa Maria Valley.

PROCLAMATION – CHILD ABUSE PREVENTION MONTH
Councilmember Patino read a proclamation declaring the month of April 2010 as "Child Abuse Prevention Month" in the City of Santa Maria and encouraging all residents to become aware of and support local child abuse prevention programs. The proclamation was accepted by Carla Canby from the North County Rape Crisis & Child Protection Center.

PUBLIC COMMENT
Mark Rademaker spoke about the meaning of Easter and against abortion and Planned Parenthood.

Bob Ziener spoke about the need for innovation to face the challenges in the community.

Tom Davidson spoke about a disturbance at the last City Council meeting and said he felt the gentleman was very disrespectful.

Joan Leon, Santa Maria Community Coalition, spoke about the wording on the agenda of Item No. 5 and felt it did not adequately meet the Brown Act requirements by explaining all options available for the Council's consideration.

City Attorney Trujillo stated it was his opinion that the wording for the item on the agenda adequately complied with the Brown Act.

Ernest Armenta spoke about the budget reduction plan discussed at the last City Council meeting and requested that at the next budget session, Department Heads explain what impacts the six percent reduction would have on their departments.

CONSENT CALENDAR
Councilmember Cordero requested that Item 3G be pulled for comment.

Item 3G – Transfer of Operation of the Clean Air Express
Councilmember Cordero stated he wanted clarification on a few things. He asked what financial risk the City would take by accepting responsibility of the Clean Air Express.

Director of Public Works/City Engineer Whitehead stated that Measure A would fully fund the operation of the Clean Air Express. The current operation cost was about $1 million a year. The fare box ratio for the Clean Air Express was about 85 percent which recovered a majority of the operational cost. The money available from Measure A was sufficient to pay for capital expenditures. By accepting the Clean Air Express, the City would add more revenue miles and rides which are used to calculate annual funding resulting in about $415,000 in additional funding for transportation for the City.

Councilmember Cordero asked how the City could get more money if it was found that the funds were not sufficient to maintain operations. He asked if the City could go back to SBCAG and negotiate for more money.

Director Whitehead stated he believed that the $22.5 million in Measure A funds would last a long time. He said the Memorandum of Understanding was for two years which would give the City time to evaluate the funding.

Councilmember Cordero stated he wanted to be sure that the community understood that the City would be taking on little or no risk by doing this.

Councilmember Orach asked if the City would be responsible for marketing the Clean Air Express and where the buses would be parked. He suggested that the City use the mall parking lot as the "park-and-ride" location rather than the Radisson parking lot so people may be more inclined to shop and eat at the mall at the end of the day.

Transit Manager O'Dell explained that there would be $20,000 for the City to market the Clean Air Express. The buses could be stored and staged at the City's current facility at 1303 Fairway which had enough space to accommodate the vehicles. The City was planning to expand service over the next 10 years and would be developing the City property next to the current facility with the idea of staging these vehicles there.

Consent Calendar Items A through H were approved on motion by Councilmember Orach, seconded by Councilmember Cordero, and carried on the following vote:

AYES: Councilmembers Cordero, Orach, Patino, Zacarías, and Mayor Lavagnino
NOES: None
ABSENT: None
ABSTAIN: None

A. ORDINANCES
The reading in full of all ordinances and resolutions was waived. Ordinances on the Consent Calendar were adopted by the same vote cast at the first reading unless City Council indicated otherwise.

B. MINUTES
The Minutes of the Regular City Council Meeting of March 16, 2010, were approved as submitted.

C. WARRANTS
Warrant Nos. 157486 to 158002 totaling $3,244,343.84 were ordered ratified subject to having been certified as being in conformity with the budget and having been approved for payment by the Director of Administrative Services. Warrant No. 149650, 149847, 152049, 152545, 155963, and 157606 were cancelled.

D. PAYROLL
Payment of payroll was ordered ratified subject to having been certified by the proper Department Heads, as shown on records on file in the Department of Administrative Services and having been approved for payment by the Director of Administrative Services.

E. INVESTMENT POLICY
Resolution No. 2010-29 was adopted approving the City of Santa Maria's 2010 Investment Policy.

Resolution No. 2010-29 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, ADOPTING THE CITY'S 2010 INVESTMENT POLICY.

F. ENTERTAINMENT LICENSE
Resolution No. 2010-30 was adopted approving an Entertainment License for the Coachman Cocktail Lounge located at 1531 S. Broadway to allow disc-jockey music, live music, and dancing on Wednesday, Friday and Saturday from 9:00 p.m. to 1:00 a.m. and on Sunday from 5:00 p.m. to 9:00 p.m.

Resolution No. 2010-30 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, APPROVING AN ENTERTAINMENT LICENSE FOR THE COACHMAN COCKTAIL LOUNGE.

G. CLEAN AIR EXPRESS
Resolution No. 2010-31 was adopted approving a recommendation from a Santa Barbara County Association of Governments working group of transit operators that the City of Santa Maria operate the Clean Air Express and authorizing the Mayor to execute a Memorandum of Understanding (MOU) for the operation and maintenance of the Clean Air Express.

Resolution No. 2010-31 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, TO APPROVE THE RECOMMENDATION FROM THE SANTA BARBARA COUNTY ASSOCIATION OF GOVERNMENTS TO OPERATE THE CLEAN AIR EXPRESS AND TO EXECUTE A MEMORANDUM OF UNDERSTANDING FOR THE OPERATION AND MAINTENANCE OF THE CLEAN AIR EXPRESS.

H. AWARD OF BID
Resolution No. 2010-32 was adopted awarding the bid and approving a contract with Jayson Fisher for Federal Stimulus Concrete Improvement Project #1, Bid No. 2010/06, in the amount of $156,801.25.

Resolution No. 2010-32 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, APPROVING A CONTRACT WITH JAYSON

FISHER FOR FEDERAL STIMULUS CONCRETE IMPROVEMENT PROJECT #1, BID NO. 2010/06.

2010 TECHNICAL AMENDMENTS TO THE SANTA MARIA MUNICIPAL CODE

City Attorney Trujillo gave the staff report. As part of an ongoing project beginning in 2000, the City Attorney's office has collected a list of Municipal Code provisions that work ineffectively for technical reasons. The list also includes laws that need to be updated, modified or deleted because of changes in State law or in City operations. The proposed ordinance would do the following things:

(1) Allow the City Attorney discretion to file any charge under the Municipal Code as an infraction. The City Attorney has requested this change in order to promote efficient court processing of violations that are not serious.

(2) Make several clarifying changes to the City's personnel ordinance. These changes include cross-referencing, examples, grammar improvement, and a provision for the fact that the City now processes applications electronically.

(3) Add a general requirement to the Municipal Code that a court may not enjoin collection of a tax and that those who challenge a fee, tax, assessment or other charge must first pay under protest. This new provision is similar to Article XIII, §32 of the California Constitution. Litigation is currently pending on the question of whether the constitutional provision applies to cities, and the City may be able to better protect its revenues by having this law on its books.

(4) Clarify the Code to provide that no transient occupancy tax is due when no rent is charged for transient lodging.

(5) Standardize the location of definitions in the property nuisance ordinance, and clarify that definitions in Title 12 apply to the property nuisance ordinance unless otherwise specified.

(6) Specify that violation of the Municipal Code respecting the location of trash cans is an infraction. The City Attorney has also requested this change in order to promote efficient court processing of violations that are not serious.

(7) Clarify the property nuisance ordinance regulating where vehicles (particularly unregistered or inoperative vehicles) may not be parked.

(8) Correct a numbering cross reference in the Property Nuisance Ordinance.

(9) Add clarifying language to the City's nocturnal juvenile anti-loitering ordinance. This language would improve the City's ordinance in light of the ruling of a new case, *In re A.G.; People v. A.G*, 2010 Daily Journal Daily Appellate Report 1991, 1997.

(10) Update the City's Parades and Assemblies ordinance. The updates are needed in order to address the language in recently published cases including *Long Beach Area Peace Network v. City of Long Beach*, 2009 DAR 10995 (9th Circuit, April 15, 2009, as amended July 24, 2009) (Long Beach II); *Long Beach Area Peace Network v. City of Long Beach*, 522 F. 3d 1010 (9th Cir. 2008) (Long Beach I); and, *Santa Monica Food Not Bombs v. City of Santa Monica*, 450 F. 3d 1022, 1050 (9th Cir. 2006).

(11) Specify that violation of the City's storm water ordinance is a misdemeanor. This change is requested by the Code Compliance Division.

(12) Add language and diagrams to the Code to provide for the use of placards with standard wording to announce a building's condition following a safety inspection. This addition was requested by the Building Division and is based on a model ordinance.

City Attorney Trujillo announced that there was one change to the proposed Ordinance. On Page 6, Section 14 was to be stricken in its entirety. Staff was not recommending any changes to that section of the Code at this time.

Ernest Armenta spoke about the changes to the parade ordinance. He asked if he would be required to get a permit to gather with some friends in support or opposition of a right or a ballot measure.

City Attorney Trujillo stated that section of the ordinance was not being proposed for amendment. If Mr. Armenta was going to hold a parade or an assembly and close off streets, a permit would be required. If he was going to contain his gathering on a public sidewalk or on private property, a permit would not be needed.

Mr. Armenta asked about Section 11, Storage of Vehicles, and asked if his RV, boat, or old vehicle that was being restored could be parked in front of his house if not registered.

City Attorney Trujillo explained that unregistered vehicles could not be parked on the street, driven or stored in the driveway because that vehicle would be considered inoperable under the proposed amendment.

Mr. Armenta stated he felt that was overstepping the City's authority.

Ordinance No. 2010-03 making technical amendments to the Santa Maria Municipal Code with Section 14 deleted was introduced by title only for first reading and continued to the next meeting for second reading and adoption on motion by Councilmember Orach, seconded by Councilmember Zacarías, and carried on the following vote:

AYES: Councilmembers Cordero, Orach, Patino, Zacarías, and Mayor Lavagnino
NOES: None
ABSENT: None
ABSTAIN: None

Ordinance No. 2010-03 introduced. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, AMENDING VARIOUS SECTIONS OF THE SANTA MARIA MUNICIPAL CODE, RELATING TO FILING CHARGES, PERSONNEL, PAYMENT UNDER PROTEST, TRANSIENT OCCUPANCY, PROPERTY NUISANCE, PARADES, STORM WATER, AND PLACARDING.

E-VERIFY

City Manager Ness gave the staff report. Representatives of the Minutemen organization have frequently requested at previous City Council meetings during public comment periods that the City adopt an E-Verify ordinance that mandates the use of E-Verify by all businesses within the City. The Mayor asked that staff review the request and place a discussion item on the Council's agenda for review. This item before the Council fulfills that direction.

By way of background, the City of Santa Maria currently uses the I-9 system in its hiring process for its employees. The Immigration Reform and Control Act of 1986 (IRCA) sets out a method of demonstrating an employer's compliance with the law through a paper-based method of verifying an employee's eligibility for employment, known as the I-9 system. It requires employees to attest to their eligibility to work and to present one of the specified identity documents. IRCA then requires employers to examine the identity document the employee presents and attest that it appears genuine. The employer is entitled to a defense to sanctions if the employer shows good-faith compliance with the I-9 system, unless the employer has engaged in a pattern or practice of violations.

The Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA) directed the Attorney General to establish pilot programs to ensure the efficient and accurate verification of any new employee's eligibility for employment. The pilot program is now known as E-Verify.

E-Verify is a voluntary and free Internet-based system that electronically verifies the employment eligibility of newly hired employees. E-Verify works by allowing

participating employers to electronically compare employee information taken from the Form I-9 against the Social Security Administration (SSA) and Department of Homeland Security (DHS) databases. Results are immediate. To participate, an employer must register online and accept the electronic Memorandum of Understanding that details the responsibilities of SSA, DHS and the employer. E-Verify is an alternative to the I-9. Under current federal immigration law, the use of the E-Verify system is voluntary.

The State of Arizona enacted the Legal Arizona Workers Act in 2007, making the use of E-Verify mandatory in that state. The Act was aimed at illegal immigration and reflected the rising frustration with the United States Congress for its failure to enact comprehensive immigration reform. The Act targets employers who hire undocumented workers, and its principal sanction is the revocation of state licenses to do business in Arizona. It has yet to be enforced against any employer.

In October of 2009, six months ago, the City of Lancaster introduced and subsequently adopted an ordinance entitled "Employment of Undocumented Workers." The ordinance mandates that employers use the E-Verify Program to verify the employment eligibility of employees, which is not currently required by any federal, state or local law or ordinance. The ordinance further provides that the hiring of undocumented workers may result in the revocation of a business license.

As far as staff was able to determine, the City of Lancaster is the ONLY city in the entire State of California that has adopted mandatory use of E-Verify. There are 480 cities in the State of California.

When the City of Lancaster adopted the ordinance, there was, reportedly, no opposition to the ordinance, and it is being implemented by the City. To date, the City is not aware of any challenges to the ordinance. The ordinance has also not been enforced against any employer in the City of Lancaster.

The staff report identifies a number of options that Council could consider, along with a staff recommendation. The options are:

1. Mandate the Use of E-Verify for the Hiring of New City Employees

Staff is recommending this option. If Council should elect this option, Santa Maria would be the first city on the Central Coast to use E-Verify when hiring new employees. Certain procedures associated with the hiring process would need to be amended to provide for the use of E-Verify. Because City staff is not familiar with the use of E-Verify, it is recommended that the Council allow for a six-month trial period, after a 30-day period to effect procedural changes to the City's hiring process

2. Consider the Use of E-Verify for City Vendors and Contractors

Staff is recommending that Council appoint a committee of City staff to review, research and study the use of E-Verify for City vendors and contractors. Committee members would be comprised of Department Heads, who would be responsible for evaluating and determining the issues associated with implementing a requirement that all City vendors and contractors use E-Verify. Workshops and study sessions to include various stakeholders and interested parties would be conducted to gain input and feedback about such a proposal.

3. Adopt an E-Verify Ordinance

Staff is not recommending that Council pursue this option. Adopting an E-Verify ordinance similar to Lancaster's could potentially result in a legal challenge once the ordinance is enforced against an employer. Besides the risk of a legal challenge, such an ordinance could have a significant impact on the City Manager's office since the ordinance would essentially make the City Manager the enforcement authority of federal immigration law at the local level. This would be nearly impossible to successfully implement given the budget constraints and lack of proper enforcement staff.

4. Maintain the Status Quo

Based upon staff's research, no other city on the Central Coast is using E-Verify. That being the case, Santa Maria could be placed at a disadvantage, as imposing a requirement to use the system could keep some businesses from operating in the City, hurting the City's employment base.

Staff is recommending that the City Council (1) direct City staff to implement procedural changes to the City's hiring process and use E-Verify for a six-month trial period and submit a report of findings to the Council at the end of the pilot project period; and (2) appoint a committee of City staff to review, research and study the use of E-Verify for City vendors and contractors during the six-month trial period. The Council could also adopt an E-Verify ordinance mandating all businesses to use E-Verify or maintain the status quo.

Mayor Lavagnino asked if the study for City vendors and contractors only included those vendors and contractors that did business with the City of Santa Maria and not all the vendors in the City.

City Manager Ness explained that was correct. It would be the vendors and contractors that did business with the City.

Jose Castellanos talked about Andy Caldwell's column in the newspaper regarding a Guest Worker Program. He said everyone knew the majority of the illegal immigrants work in agriculture. He said there were too many law-abiding people waiting to get into this Country legally for conservatives to grant amnesty for those who work in agriculture.

Gabriel Valencia, President of M.A.P.A., thanked the Council for their support of the Cesar Chavez Birthday Celebration at Preisker Park. He said E-Verify in the City would not do anything to resolve illegal immigration on the Central Coast. Most undocumented people work in agriculture. The only people who would benefit from E-Verify would be Andy Caldwell and the members of COLAB.

Luis Castellanos said lately there had been a lot of blame put on the City Council and Chief of Police because of illegal aliens. Blaming would not solve any of the problems. The problem was that farmers, contractors and employers had been hiring illegal immigrants for the last 23 years. Something needed to be done to keep the employers from hiring illegal aliens. They say they don't know, but ignorance was not an excuse to break laws.

Antonio Rivera, PUEBLO, stated they believe the E-Verify program was expensive, ineffective and divisive. The City would be using taxpayers' money for a program that only had a 15-percent accuracy rate for workers in general which resulted in millions of job losses. The City needed policies to encourage immigrants to be active members of the community and participate in civic life.

Larry Bargenquast stated he could not see why it was so controversial. It was free, voluntary, and accurate. E-Verify had a 96.9 percent accuracy rate. With 20,000 illegal immigrants in Santa Maria, why would anyone want more to come in? He believed that no taxpayers' money should be used in any way to support illegal immigrants. Any program that enforced existing laws should be supported.

George Dailey spoke in opposition to E-Verify because the City was considering work furloughs and job cuts. E-Verify was a federal issue. He recommended the item be removed from the agenda and studied further. E-Verify would prove to be costly and increase the size of the government.

Mickey Freeman thanked the City for the six-month trial period and stated she felt E-Verify would be a great tool for the City to resolve the problem of illegal immigrants and rid the City of some of its crime. She said some of the cities that were using E-Verify were Guadalupe, Lompoc, Carpentaria, Camarillo, and Bakersfield to name a few.

Raul Ceja said he was born in this valley, and his family had helped this community for many years. Immigration had been a problem for a long time. It was a federal issue that hadn't been solved by the federal government because of politics. He said the legal immigrants had contributed a lot to the community, and people needed to get along together and work together.

Mary Delgado stated as a business owner she was glad the City was not going to force businesses to use E-Verify. With the budget cuts the City was facing, it could not afford to start this program. She said as a business owner and accountant she knew that businesses used the I-9 Form which worked well.

Mary Leadbetter stated she didn't know much about the E-Verify program and asked if City staff actually talked to staff in Lancaster about how much time it took. Immigration was not a racist issue. The federal government had not done a good job at facing the immigration problem. The community needed to take it into their own hands and work together to make it a better place.

Ron Faas stated he agreed that immigration was a federal issue. He said it was ironic that the Minutemen and Tea Party members ranted about government overreaching into private lives, but they were asking the City to intrude into the private sector by requiring E-Verify. On behalf of the Democratic Party of Santa Barbara County, he asked the Council to reject staff's recommendation and not institute E-Verify.

Michael Rivera stated E-Verify was a simple supplement to the I-9 process. The I-9 system was fraught with fraudulent documents. E-Verify would help protect citizens and legal residents at a time when finding jobs was so difficult. E-Verify had nothing to do with race, ethnicity or intolerance. It was strictly about the right to work in the United States under the law. Standing up for the victims who were losing jobs to illegal immigrants was the right thing to do.

Richard Quandt, Grower-Shipper Vegetable Association, stated this item was about whether or not the City should adopt an alternative to the I-9 system and force it on the businesses in the City. None of the other 480 cities in California had adopted an E-Verify ordinance. Those cities recognized that it was a federal issue. Immigration policy was something that needed to be dealt with at the federal level, not at the City level. It was very important that the City kept and expanded its employment base and continued to be seen as a business-friendly city.

Gwen Wood thanked the Council for putting E-Verify on the agenda. E-Verify had a 96 percent accuracy rate. The Council had the opportunity to do the right thing by adopting E-Verify to maintain jobs for legal workers.

Harry Johnson stated he was in favor of E-Verify. He explained what steps he had to go through to obtain his job. He said it was necessary to find out who the people were that were working in the United States. The problem was not going to get any better unless something was done to fix it.

Erin Meleen stated she felt E-Verify would be money saving and labor saving for the City. This was a great way to go. It should be a no-brainer.

Andrew Maldonado spoke in opposition to the E-Verify. It should be handled at the federal level and was designed to be handled at the federal level. The City did not have the capacity to handle it. It was not designed for a city like Santa Maria with its unique agriculture industry. He asked if the City really wanted to be a guinea-pig city for the E-Verify program.

City Manager Ness stated that one of the speakers said there were plenty of other cities that were implementing E-Verify; however, when staff did the research, it was looking at City governments in California not private enterprise or private sector companies within those cities. He said the City Attorney did speak to staff in the City of Lancaster. The City Attorney in Lancaster said the ordinance was just adopted six months ago in

October, and they were now in the process of implementing it. There had been no enforcement in that City yet.

Councilmember Zacarías announced that the City had received four email communications regarding this issue, two in favor and two against from E. Knowles, Chris Smithers, Belén Seara of PUEBLO, and Ron Faas.

Mayor Lavagnino stated he was willing to support staff's recommendation because it would just be the City of Santa Maria using E-Verify to check the status of employees the City was going to hire. The second recommendation was for the City to appoint a committee to study the use of E-Verify for the vendors and contractors the City did business with. He didn't see anything wrong with that because the City should be doing business with people who were legally here in this Country.

Councilmember Patino stated she talked to numerous businesses in Santa Maria, and a lot of them did not know that much about E-Verify. Many people she talked to said it was a federal issue. She had a problem with the City enforcing federal law. The City was being asked, as an isolated community, to do something that probably could not be enforced. The community had to work together to solve its problems. She asked where the labor unions, the Chamber of Commerce, or other business groups were on this issue. She did not have a problem with the City using E-Verify for City employees. She did not like government forcing more regulation on businesses.

Councilmember Cordero stated he had some problems with the E-Verify. He had concern that only one other city had mandated E-Verify which could result in litigation for the City. He said he did not have a problem with the City using it for new City employees. After the six month trial period, the City should either properly implement the program or remove the program from consideration. The City could continue to use it for City employees if it chose but not adopt the ordinance.

Councilmember Orach stated with the City's budget crisis, it would not be hiring many new people over the next six months. If the City was going to try to put this on the business community, it would require another enforcement agency. He didn't think the City should have that responsibility. He wanted to see how it actually worked at a business before he would consider an ordinance that would require businesses to use it. He would support the staff's recommendation for the pilot program, but he didn't think it was going to lead to anything.

Councilmember Zacarías thanked the members of the public for their comments. She said as a business owner and accountant for lots of business owners, she knew that the I-9 system worked. She was concerned about the City imposing federal law on local businesses. She agreed that an employer had the responsibility to do their work the best they could; and if an employer chose to participate in the E-Verify voluntary program, she supported their right to do that. She did not agree with forming a committee to assess the issue of requiring E-Verify for City vendors and contractors. That would be an imposition and an undue burden on the businesses and would require the City to enforce federal law. Staff did not have enough time to do the work that it was required to do, especially with the furlough days and the six percent budget cuts. She did not want City staff to expend any energy exploring E-Verify for the City's vendors and contractors. She would only support the recommendation to use E-Verify for the hiring of new City employees.

Councilmember Patino stated she understood from the staff report that the employee would have eight days to contest a non-hire finding from E-Verify.

City Manager Ness explained that if the E-Verify system was used and the employee was not found eligible to work, there was a system in place for the employee to appeal. He said currently under the I-9 system, the employee brought the I-9 form to work with them on the first day of employment. That was one of the things that would have to change. The I-9 form would have to be submitted before the first day of employment so staff could check the status through E-Verify.

Mayor Lavagnino moved to direct City Staff to implement procedural changes to the City's hiring process, use E-Verify for a six-month trial period and submit a report of findings to the City Council at the end of the six-month period. Councilmember Patino seconded the motion. The motion carried on the following vote:

AYES: Councilmembers Cordero, Orach, Patino, Zacarías, and Mayor Lavagnino
NOES: None
ABSENT: None
ABSTAIN: None

Mayor Lavagnino then moved to direct staff to appoint a committee to review, research and study the use of E-Verify for City vendors and contractors during the six-month trial period. The motion died for lack of a second.

Mayor Lavagnino called a five-minute recess at this time.

CITY MANAGER'S REPORT
City Manager Ness reported on anticipated items for the April 20, 2010, City Council meeting including four proclamations, two public hearings for the CDBG/HOME Allocations and 2010 Weed Abatement program; an appointment to the All-America City Committee; and review and approval of the Los Flores Ranch EIR.

ORAL REPORTS BY COUNCILMEMBERS
Councilmember Orach reported he attended the LAFCO meeting and the Channel Counties Division of the League of California Cities meeting and had a nice Easter.

Councilmember Zacarías reported she also attended the Channel Counties Division meeting, participated in the final Saturday of the Voluntary Income Tax Assistance Program, attended the United Way Annual Meeting, the Gang Town Hall meeting, the Cesar Chavez Birthday Celebration at Preisker Park, and was working on several Future Search Collaborative projects.

Mayor Lavagnino reported he attended the SBCAG and APCD meetings, the Channel Counties Division Quarterly meeting, the CCWA meeting, the Santa Maria Annual Autism Awareness and Resource Fair, the Welcome Home Vietnam Veteran's Day celebration, met with the Korean General Consul, attended the Levee Update meeting, the Mayor's Lunch, and a press conference regarding the Census with Congresswoman Capps.

Councilmember Patino reported she attended the Cesar Chavez Birthday Celebration, the United Way Annual Meeting, the Gang Town Hall meeting, went to the Natural History Museum for Earth Day, attended the press conference regarding the Census, and the Santa Maria Terrace report on health.

Councilmember Cordero reported he attended the United Way meeting, the Tip-A-Cop Dinner at Pepper Garcia's Restaurant, the Gang Town Hall meeting, participated in the Battle of the Books sponsored by Santa Maria-Bonita School District, attended a meeting for Peace Week, and the People's Self-Help Housing meeting.

Councilmember Patino stated that Willie Galvan had requested she announce the "All Hands" program free to all veterans to be held at Allan Hancock College Forum Building on Wednesday, April 7, 2010, from 6:30 p.m. to 9:00 p.m.

CLOSED SESSION
The City Council recessed to a Closed Session at 8:50 p.m. regarding Conference with Legal Counsel – Existing Litigation pursuant to Subdivision (a) of Government Code Section 54956.9 to discuss the Santa Maria Valley Water Conservation District (SMVWCD) v. City of Santa Maria; Santa Maria Police Officers Association (SMPOA) v. City of Santa Maria, Case No. 1318327; Santa Maria Police Officers Association (SMPOA) v. City of Santa Maria, Case No. 1316392; Gregory Carroll v. City of Santa Maria, et. al. Case No. CV 0907336; and Alvarez v. City of Santa Maria, Case No. 1314633.

After the Closed Session, the following report was given:

Conference with Legal Counsel (SMVWCD) – Status report was given with no reportable action taken.

Conference with Legal Counsel (SMPOA, Case No. 1318327) – Status report was given with no reportable action taken.

Conference with Legal Counsel (SMPOA, Case No. 1316392) – Status report was given with no reportable action taken.

Conference with Legal Counsel (Gregory Carroll, Case No. CV 0907336) – Status report was given with no reportable action taken.

Conference with Legal Counsel (Alvarez, Case No. 1314633) – Status report was given with no reportable action taken.

ADJOURNMENT
There being no further business to come before the City Council at this time, the meeting was declared adjourned at 9:20 p.m. by Councilmember Patino in honor of Ray Macias who was killed in an automobile accident on April 5th.

APPROVED

April 20, 2010
Date

Chief Deputy City Clerk of the City of Santa Maria and ex officio Clerk of the City Council

ATTEST

Chief Deputy City Clerk

Mayor of the City of Santa Maria